

Interview Summary

Application No.
09/385,489

Applicant(s)
Sullivan et al

Examiner
Dan Lastra

Group Art Unit
2162

#10

All participants (applicant, applicant's representative, PTO personnel):

(1) Dan Lastra D.L.

(3) Adam Masia Q7H4

(2) James Myhre

(4) _____

Date of Interview Oct 30, 2001

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy is given to 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: 1, 30, 37, and 77

Identification of prior art discussed:

Jones (5,832,458)

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

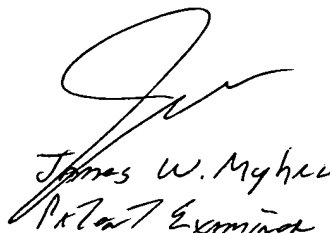
The Applicant Representative argued that the reference did not disclose all of the steps in the independent claims. In particular, it was noted that the claims included the feature that the third party (auditor) did not perform the calculation to determine the amount of reimbursement due to the retailer as set down by the trade promotion contract. The Examiner noted that the reference did not explicitly disclose which entity was performing the calculations and, therefore, could be interpreted to read that the auditor was performing the calculations. The Examiner also noted that additional references would probably be used in the next Office Action to explicitly show the third party performing the calculations. The Applicant Representative stated that the arguments presented during the interview would be further expanded in the response with at least some of the claims being further amended to explicitly identify which entity is performing the calculations and other featured steps.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


James W. Myhre
Patent Examiner